

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

<b>EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,</b>	:	
	:	
	:	
<b>Plaintiff,</b>	:	
	:	
<b>and</b>	:	
	:	<b>CASE NO.: WDQ 02-CV-648</b>
<b>KATHY KOCH,</b>	:	
	:	
<b>Intervenor/Plaintiff,</b>	:	<b>JURY DEMANDED</b>
	:	
<b>v.</b>	:	
	:	
<b>LA WEIGHT LOSS CENTERS, INC.,</b>	:	
	:	
<b>Defendant.</b>	:	
	:	

**JOINT MOTION TO EXTEND DISCOVERY AND MODIFY SCHEDULE**

Pursuant to the Federal Rules of Civil Procedure, Rule 105 of the Local Rules of the United States District Court for the District of Maryland and the Court's May 25, 2004, Order Regarding Bifurcation and Scheduling (the "Order"), plaintiff EEOC and defendant LA Weight Loss Centers, Inc. (the "Parties") respectfully request that the Court enter a limited order extending the non-expert discovery period in this matter by eight (8) weeks and adjusting all other dates set forth in the Order accordingly. The purpose of the extended discovery period is to allow the Parties to take or complete depositions and written discovery. The Parties agree that, during the extended discovery period, neither party will propound new requests for written discovery, except to the extent sought by subpoena from non-party witnesses. The Parties further agree that the Court's order shall not affect the Parties' continuing duty to supplement their responses to interrogatories and document requests or to respond to outstanding discovery

requests, the Parties' future obligations arising from the disposition of any pending motions to compel, or the Parties' ability to conduct written discovery during the expert discovery period.

In support of this Motion, the Parties represent that they have diligently engaged in discovery. To date, the Parties have exchanged in excess of 500,000 documents and taken approximately 90 depositions, including 45 class claimants. Notwithstanding the Parties' efforts, they will not be able to complete discovery by the current January 25, 2006, deadline. The following factors give rise to this Motion: (1) the complexity of the factual and logistical issues of a nationwide class action involving an alleged pattern or practice of discrimination in over 25 states and jurisdictions; (2) a current, but purportedly growing, class of approximately 280 allegedly aggrieved persons, nearly 35 of whom remain to be deposed; (3) a large number of non-party witnesses in several states who must be deposed; and (4) ongoing document production, including a potentially enormous volume of party and non-party electronic material and data requiring analysis. EEOC anticipates that it will seek the depositions of at least 15 party and non-party witnesses before the close of fact discovery. LAWL anticipates that it will seek the depositions of at least 8 non-party witnesses and that it will take the depositions of all remaining claimant designees before the close of fact discovery.

Accordingly, for good cause shown, the Parties request that the Order be modified as follows: Non-expert discovery shall conclude on March 24, 2006; plaintiff EEOC shall name expert witnesses and serve defendant LA Weight Loss Centers, Inc. with expert report(s) on or before April 24, 2006; defendant LA Weight Loss Centers, Inc. shall name expert witnesses and serve plaintiff EEOC with expert report(s) on or before May 24, 2006; expert discovery shall be completed by July 24, 2006; dispositive motions with respect to Stage I issues shall be filed on or

before August 25, 2006; and plaintiff EEOC shall file its opposition and cross motion, if any, on or before September 25, 2006.

Respectfully submitted,

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Dated: January 25, 2006